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9 GENERAL REGULATIONS

9-A MUTUAL RESPONSIBILITY

There is a mutual responsibility between the subdivider and the County of Clarke to divide the land in such a way as to insure the best general use pattern of the land being subdivided, and to avoid adverse impact on other properties.

9-B TRANSFERS, SALES AND PERMITS TO BUILD

No property in a subdivision shall be transferred or offered for sale by reference to, or exhibition of, or by other use of, a plat of a subdivision, nor shall a permit be issued for a structure thereon, until a Record Plat and such subdivision shall have been approved, as provided herein, and such Plat and a Deed of Dedication, as may be required pursuant to Sections 4-G-4 and 7-B-5-(c) herein, have been recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia.

9-C SUBDIVISION NOT EXEMPT FROM OTHER LAWS

The creation of a subdivision shall in no way exempt the land included within it from the provisions of zoning or other ordinances or laws.

9-D SECTIONAL DEVELOPMENT

9-D-1 (10/17/89) Where a proposed subdivision includes more than one section, the development sequence for all sections must be presented at the time the plat of the first section is submitted. When a property owner intends to apply for multiple subdivisions of his/her property, an Exploratory Sketch Plan of the entire property, pursuant to Section 7-A, shall be presented with the initial subdivision. If such a sketch plan is not submitted, a subsequent subdivision of the property shall not be accepted or considered until 12 months after approval of the initial subdivision.

9-D-2 Where the acreage remaining in the original tract after the platting of the first section is greater than 100 acres, there shall be submitted with the plat of the first section a plat showing the anticipated boundaries of future sections, the anticipated street locations and contours of the land in the future sections, together with a statement of anticipated lot sizes in the future sections.

9-E NORMAL REQUIREMENTS AND VARIATIONS

In laying out subdivisions, the requirements of Article 8 and Article 11 shall ordinarily be observed as minimum requirements. However, said requirements may be varied in specific cases if the Commission determines that a peculiar or special situation exists which makes it necessary or desirable to vary one or more of the said requirements, and that any such variation is not in conflict with or, in the case of a more stringent requirement, that such variation is deemed necessary to carry out, protect, or provide for the public welfare or the purpose of this Ordinance. Any such variance and the reasons therefore shall be stated in writing in the minutes of the Commission.

- 9-F **DEDICATION OF STREETS**
The subdivider shall dedicate to Clarke County or to the Virginia Department of Transportation, for public use, all land required for streets in the subdivision, except land used as a Private Access Easement in accordance with the terms of this Ordinance. Approval of a Record Plat shall not be deemed acceptable by the Board of Supervisors of any street or other public space shown on such plat for repair, maintenance or operation thereof. No public easement or right-of-way shown on any recorded plat of subdivision shall be deemed accepted by Clarke County for public use until such acceptance of proposed dedication shall first have been formally approved by the Board of Supervisors in meeting duly assembled. The Board shall not give such approval until any such easement or right-of-way complies with all requirements of this Ordinance and of the Virginia Department of Transportation, and such other requirements as the Board may impose for public streets, roads and drainage.
- 9-G **PLANNING COMMISSION AGENDA**
Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning Commission only after fulfilling the appropriate plat and procedural requirements of the Ordinance.
- 9-H **PLANNED DEVELOPMENT**
- 9-H-1 Whenever a subdivision is developed as a planned development as defined in the Clarke County Zoning Ordinance, the Planning Commission may vary, upon the request of the subdivider, the requirements of this Ordinance in order to allow the subdivider more freedom in the arrangement of streets and lots, but at the same time shall protect the convenience, health, safety, and welfare of the future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire County.
- 9-H-2 Any such request shall be made in writing to the Planning Commission and will be retained in the permanent file of the Commission.
- 9-I **CONFLICTS IN REGULATIONS**
Whenever regulations in this Ordinance are different from regulations contained in other Ordinances, the most restrictive regulations shall prevail.